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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/796,389	03/09/2004	Joachim Jung	F-8171	1898

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EXAMINER	
DEL SOLE, JOSEPH S	

ART UNIT	PAPER NUMBER
1722	

DATE MAILED: 06/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/796,389	JUNG, JOACHIM	
	Examiner	Art Unit	
	Joseph S. Del Sole	1722	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *01 June 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *12-24* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) *23 and 24* is/are allowed.

6)☒ Claim(s) *12-17 and 19-22* is/are rejected.

7)☒ Claim(s) *18* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Double Patenting

1. Claim 18 is objected to under 37 CFR 1.75 as being a substantial duplicate of claim 23. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

4. Claims 12, 14, 15, 16, 17, 19, 20 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Salzmann et al (5,976,449) in view of DE10202946.

Salzmann et al teach a system (Fig 10 having an extrusion apparatus (Fig 1, #s 21 and 22) with a crosshead (Fig 1, #20) and a heating system (that which heats to

melting the material through the extruders), downstream of the cross head is a tube (Fig 1, #40) that constitutes a plurality of telescoping tube pieces adjacent the cross head (Fig 1, #40); the heating system (Fig 1, #41) downstream of the cross head being securely installed in or attached to the movable tube (Fig 1, #s 41' and 42') of the telescoping tube and together with the tube is movable; the movable tube of the telescoping tube along with the heating system is insertable into or can slide over the immobile tube (Fig 1, #45); the heating system extends over the entire length of the movable tube (Fig 1, #41); the movable and fixed tubes are produced from a poorly conduction, compression resistant and heat resistant material (Fig 1); the exterior diameter of the movable tube is smaller than the interior diameter of the fixed tube (Fig 1); the fixed tube is provided with a bearing (Fig 1, that which supports the tube #45).

Salzmann et al fails to teach the fixed tube being a carbon fiber compound and also fails to teach the heating system being an induction system.

The use of carbon fiber compound as the material of which the fixed tube is made, the selection being on the basis of suitability for the intended use, would be readily determined by routine experimentation in an effort to produce the optimum results absent a showing of unexpected results. DE10202946 teaches that it is well known to heat the interior of a insulated cable, as the cable is being formed, by induction heating for the purpose of producing high voltage abstract. (abstract). The Examiner also notes that the Applicant's specification sets forth that such induction heating is well known in the art.

It would have been obvious to one having ordinary skill in the art at the time of the Applicant's invention to have modified the invention of Salzmann et al with carbon fiber as the used material because such a material may produce optimum results and to have modified Salzmann et al with the heating being induction heating as taught by DE10202946 because such heating is well known in the cable art (see also Applicant's specification) and because such heating enables the production of high voltage cable.

5. Claims 12, 14, 15, 16, 17, 19, 20 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Salzmann et al (5,976,449) in view of Shigemoto et al (5,096,646).

Salzmann et al teach a system (Fig 10 having an extrusion apparatus (Fig 1, #s 21 and 22) with a crosshead (Fig 1, #20) and a heating system (that which heats to melting the material through the extruders), downstream of the cross head is a tube (Fig 1, #40) that constitutes a plurality of telescoping tube pieces adjacent the cross head (Fig 1, #40); the heating system (Fig 1, #41) downstream of the cross head being securely installed in or attached to the movable tube (Fig 1, #s 41' and 42') of the telescoping tube and together with the tube is movable; the movable tube of the telescoping tube along with the heating system is insertable into or can slide over the immobile tube (Fig 1, #45); the heating system extends over the entire length of the movable tube (Fig 1, #41); the movable and fixed tubes are produced from a poorly conduction, compression resistant and heat resistant material (Fig 1); the exterior diameter of the movable tube is smaller than the interior diameter of the fixed tube (Fig 1); the fixed tube is provided with a bearing (Fig 1, that which supports the tube #45).

Salzmann et al fails to teach the fixed tube being a carbon fiber compound and also fails to teach the heating system being an induction system.

The use of carbon fiber compound as the material of which the fixed tube is made, the selection being on the basis of suitability for the intended use, would be readily determined by routine experimentation in an effort to produce the optimum results absent a showing of unexpected results. Shigemoto et al teach that it is well known utilize induction heating for the purpose of heating the interior of a coating layer on a cable(col 4, lines 1-5). The Examiner also notes that the Applicant's specification sets forth that such induction heating is well known in the art.

It would have been obvious to one having ordinary skill in the art at the time of the Applicant's invention to have modified the invention of Salzmann et al with carbon fiber as the used material because such a material may produce optimum results and to have modified Salzmann et al with the heating being induction heating as taught by Shigemoto because such heating is well known in the cable art (see also Applicant's specification) and because such heating enables interior heating of the cable.

6. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Salzmann et al (5,976,449) in view of Shigemoto et al (5,096,646) and further in view of Sarracino (4,609,509).

Salzmann et al and Shigemoto et al teach the apparatus as discussed above.

Salzmann et al fail to teach the fixed part running largely horizontally and suspended in a catenary curve.

Sarracino teaches a fixed tube (Fig 1, #3) running largely horizontally and suspended in a catenary curve for the purpose of transporting extruded material and containing fluid.

It would have been obvious to one having ordinary skill in the art at the time of the Applicant's invention to have modified the invention of Salzmann et al with the fixed tube suspended in a catenary curve as taught by Sarracino because such an arrangement would enable the use of additional fluid in the fixed tube.

Allowable Subject Matter

7. Claims 23 and 24 are allowed.

Response to Arguments

8. Applicant's arguments with respect to claims 12-24 have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph S. Del Sole whose telephone number is (571) 272-1130. The examiner can normally be reached on M-F 8:30 - 5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yogendra Gupta can be reached on (571) 272-1316. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Joseph S. Del Sole
6/8/06